

Application No. 10/603,049  
Response to Office Action mailed March 22, 2007  
Response to Notice of Non-Compliant Amendment dated August 8, 2007

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## REMARKS

### INTRODUCTION

Applicants gratefully appreciate the courtesies extended by Examiner Gordon to Applicants' undersigned representative during the personal interview of July 23, 2007. At the interview, the claimed invention was discussed and Applicants representative pointed out that the reference to Reed (U.S. Patent Application Publication No. US 2003/0215956 A1) relates to a filtration device. The changes to claims 51 and 60 were also discussed and Applicants appreciate the Examiner's indication that the amendments shown above overcome the previous new matter rejection and any anticipated rejection based on Reed.

Claims 51-67 remain pending in the application and claims 68-70 have been added. The Office Action dated March 22, 2007, rejected claims 51-67 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

### *Rejection of the Claims under 35 U.S.C. § 112, First Paragraph*

In the Office Action at page 4, claims 51-67 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner suggests that the limitation "wherein said vacuum does not reach said top surface" is not supported in paragraphs [0137], [0153], and Figures 11-13 of the specification. Applicants respectfully disagree with the Examiner's contention. Nonetheless, Applicants have amended the claims, replacing the limitation "wherein said vacuum does not reach said top surface" with the phrase "wherein said vacuum does not communicate through said substrate." Support for this amendment is provided, for instance, by Fig. 11, which shows a substrate having a plurality of wells formed therein, wherein

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the substrate is free of through holes or vents that would enable a vacuum to communicate through the plate. Features of the substrate 122" that are not seen by the side view of Fig. 11, such as the wells, are shown in phantom lines. As can be seen, no through holes are provided that communicate a vacuum through substrate 122". There is no gap between the flat bottom of substrate 122" and the surface of the substrate-holding area on which the flat bottom is seated. As described in the present specification at paragraph [0153] of U.S. Patent Application Publication No. 2004/0086426 A1 (which corresponds to the present application), "a vacuum can be established ...." Furthermore, the specification makes clear that the vacuum reaches to and draws upon the lower surface of the bead receiving substrate, so as to maintain the substrate in a seated position. (See, for example, paragraph [0153]).

Figs. 12A and 12B also show a substrate 122"" having a flat bottom and a vacuum passageway drawing upon the flat bottom. Figs. 12A and 12B show that there is no gap between the flat bottom and the surface of the substrate-holding area on which the flat bottom is seated, such that the vacuum does not communicate through substrate 122"" and a vacuum can be established.

Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 68-69 have been added to even further emphasize that there are no through holes between any of the wells of the array of wells. Support for these new claims can be found at least in FIGS. 9, 10A, 11, 12A, 12B, 14, 15, 21A, and 22 of the present application. No new matter has been added.

New claim 70 has been added to further emphasize that the method can comprise providing a detection reagent and primers in at least some of the wells of the array of wells. This claim is supported by previously presented claim 56 and at least by paragraph [0090] of the present

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application. No new matter has been added.

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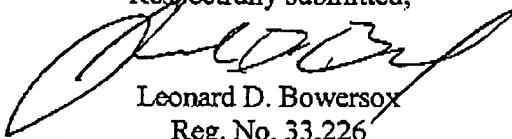
### CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge such fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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